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In re Application of :
THAMBY, et al. :
Application No.: 10/577,890 : DECISION
PCT No.: PCT/GB2004/004506 :
Int. Filing Date: 25 October 2004 : ON PETITION UNDER
Priority Date: 31 October 2003 :
Docket No.: 120411/164302 : 37 CFR 1.47(a)
For: HYBRIDISED PIGMENT :

This is a decision on applicants' Petition Under 37 CFR 1.47(a), filed in the United States Patent and Trademark Office (USPTO) on 04 June 2007.

BACKGROUND

On 21 December 2006, the Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required.

On 04 June 2007, applicants submitted a petition under 37 CFR 1.47(a), which was accompanied by, *inter alia*, a declaration and the fee for a four month extension of time.

DISCUSSION

A petition under 37 CFR 1.47 must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) proof of pertinent facts, namely that the inventor refuses to sign after being presented with the application papers or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on behalf of himself or herself and the nonsigning applicant.

Items (1), (3) and (4) have been met. (1) The petition fee of \$200 has been paid. (3) The petition lists the last known addresses of non-signing inventor Subramaniam Balasubaramaniam Kathirgamethamby Thamby as 96/98 Heaton Road; Paddock, Huddersfield; West Yorkshire, HD1 4JJ; United Kingdom.

Item (2) has not been satisfied. The petition must supply proof that applicant refused to sign after being presented with the application papers (specification, including claims, drawings, and oath or declaration). MPEP §409.03(d). At most, it appears that Mr. Thamby was sent a copy of the declaration. Copies of documentary evidence supporting the presentation of Mr. Thamby with a complete copy of the application papers should be submitted. Further, a first hand statement of the facts supporting the presentation should be made of record by way of a SIGNED statement. Electronic signatures are permissible.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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